

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JAIR RODRIGUEZ, RAMON GONZALEZ,  
and ALFREDO VELASCO NAVARRO,

Plaintiffs,

v.

Case No. 18-cv-1246-pp

FOCUS CONSTRUCTION & CONTRACTING, LLC,  
LEONA BROWN, and MATTHEW BROWN

Defendants.

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**ORDER STAYING PROCEEDINGS BASED ON NOTICE OF BANKRUPTCY  
AND ADMINISTRATIVELY CLOSING CASE**

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On August 13, 2018, the plaintiffs filed this complaint against the defendants, Focus Construction & Contracting, LLC and Leona and Matthew Brown, alleging violations of the Fair Labor Standards Act (FLSA), 29 U.S.C. §201, *et seq.*, and the wage and hour laws of Wisconsin. Dkt. No. 1. On September 6, 2018, defendants Matthew and Leona Brown filed an answer and affirmative defenses. Dkt. No. 5. The court had set a Rule 16 scheduling conference for December 12, 2018. Dkt. No. 7.

On December 11, 2018, however, a bankruptcy lawyer for defendants Methuselah (also known as Matt) and Leona Brown filed a letter notice of Chapter 7 bankruptcy. Dkt. No. 9. The letter informed the court that on December 6, 2018, the defendants had filed a petition for relief with the U.S. Bankruptcy Court for the Eastern District of Wisconsin, Bankruptcy Case No.

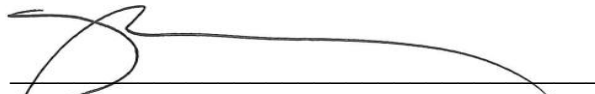
18-31267. Id. The lawyer attached the Form 309A, Notice of Chapter 7 Bankruptcy Case to her letter. Id. at 2.

Under §362(a) of the Bankruptcy Code, the filing of a petition operates as a “stay” of, among other things, “the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title . . . .” The defendant’s Chapter 7 petition operates as a stay on this litigation.

The court **ORDERS** that this case is **STAYED** until the parties notify the court that the Chapter 7 bankruptcy proceeding has concluded. The court **ORDERS** that the clerk’s office shall **ADMINISTRATIVELY CLOSE** this case until that time. The court **ORDERS** that once the Chapter 7 has concluded, the parties may file a motion to reopen the district court case, and the court will grant that motion once it confirms that the bankruptcy proceeding has concluded. The date that the plaintiff filed the complaint will be the operative date for any limitations purposes and will not be affected by this administrative closing.

Dated in Milwaukee, Wisconsin this 3rd day of January, 2019.

**BY THE COURT:**

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**United States District Judge**